

GRAY (J. P.)

State of New York.

INAUGURAL ADDRESS

BEFORE THE

MEDICAL SOCIETY

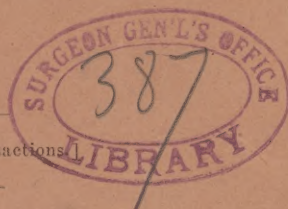
OF THE

STATE OF NEW YORK,

FEBRUARY 4TH, 1868.

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By Dr. JOHN P. GRAY, President.

[Reprinted from the Society's Transactions]



ALBANY:

PRINTING HOUSE OF C. VAN BENTHUYSEN & SONS.

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Gentlemen of the Medical Society of the State of New York:

In entering upon the duties of your presiding officer, I desire to express my deep sense of the responsibility and honor such a position bestows, and all the more as the office is one of suffrage. In the discharge of the duties under parliamentary rules, with which I am practically unfamiliar, I most earnestly ask your generous indulgence.

In accordance with custom, and under a by-law of the Society, the President is required, at the opening of the session, briefly to present the condition of the medical profession in the State, and to make such suggestions as may seem proper or necessary touching the interests of medicine, and its relations to the public.

My predecessor, Dr. Hutchison, in his inaugural a year ago, set forth the state of the medical schools as prosperous, and the system of instruction as steadily advancing to greater perfectness. Himself a teacher, he was well qualified to announce such an opinion, and nothing has occurred during the past year to render any modification of his statement necessary.

With regard to the state of the medical press, it is gratifying to announce the establishment, within the past year, of two additional medical periodicals: the Quarterly Journal of Psychological Medicine, and the Medical Gazette. There are now published in the State, two weekly, two monthly, and two quarterly journals, devoted to medical science, that is: The Buffalo Medical and Surgical Journal, The New York Medical Journal, The Medical Record, The American Journal of Insanity, The Quarterly Journal of Psychological Medicine, and the Medical Gazette.

Here I am sure it will not be deemed a work of supererogation to reiterate, what must be the conviction of every well instructed medical man, that it is of the highest importance to encourage and to cultivate a sound scientific literature for the profession.

No man, in these days of mental activity and progress, can afford to limit his acquisitions to what may be furnished by his own immediate sphere of observation, however extensive that sphere may be. The object of medical literature is to bring together into a common fund, available to the whole fraternity, the individual experience and observation of each member; and in whatever profession a man may seek usefulness for his fellow man, to be a growing man, he must be a reading man. He must be a student, even if he would know how to observe, what to observe, and make the proper interpretation and use of that which he has observed. I would earnestly renew the advice of my predecessor, that the members of the profession generally should make it a point to encourage and sustain our medical literature, and for the sake of science and its advancement, by all proper means, should render the contribution of their own special knowledge, acquired by individual experience, in articles for the medical journals. A great deal of valuable knowledge is lost to the world—suggestions and hints that would be most fruitful in beneficial results—simply on account of the sensitiveness and timidity that withholds so many practical men from appearing in print, unless they can clothe their productions with the fine graces of *belle lettres* or the more ambitious style of the general literature of the day. Science calls only for clear statements of facts and lucid definitions of principles, and the more unpretending the style, the better, generally, for the cause of truth.

More effective legislation is needed to guard the public in the sale and dispensing of medicines by unqualified persons, and especially of substances which may be used for criminal purposes. The incorporation of the College of Pharmacy of New York, implied the design of furnishing this protection, by affording the opportunity for the proper education of those desiring to qualify themselves for the practice of pharmacy. But the first and only law enacted to sustain the hands of this institution in its undertaking, became a dead letter on the statute book, from technical and legal reasons (which have long since been abandoned, with regard to the sale of articles of diet, &c.), and the college now stands powerless to control the increasing evil, for lack of legislative aid. It is now considered not only no infraction of the laws of trade or personal liberty to prohibit the sale or exposure of bad meats in market, but the same are confiscated and destroyed and punishment imposed. But the prototype in the business of

pharmacy may dispense deleterious drugs, abortion medicines, and substances for all manner of criminal purposes, without adequate legal impediment. This subject belongs to the legislator, but it is equally the privilege of all, and the imperative duty of medical men, to use all honorable means to guard the people against fraud or crime by the exhibition or sale of that which they know from professional experience to be not only injurious, but dangerous to life, and destructive of social morals. This Society is a body created by the Legislature for the very purposes of protection, and it stands now, as it has always stood, ready to be called upon to subserve the great purposes for which it was brought into existence, and to aid by its counsel in the framing of any necessary legislation on the subject. I therefore feel it my duty on this occasion to suggest that some additional legislation is needed, as well as some modification of existing statutes.

First, as to the indiscriminate sale of drugs.

Inasmuch as lives are sacrificed every year by the carelessness of ignorant and incompetent persons in putting up the prescriptions of physicians, it is manifest that some definite qualifications should be required by law in all those who pretend to carry on the business of pharmacutists, and that they should be made responsible for the character and quality of the substances dispensed by them, or those in their employ.

Again, it is now notorious that the laws intended to prevent or punish the procurement of abortion, are openly disregarded or evaded by druggists and others calling themselves respectable, who dispense or sell medicines, keeping and disposing of vile and deleterious nostrums calculated and intended to induce abortion, and also by advertisements in many of the newspapers, which, while giving publicity to these under the guise of medicines for women's diseases, but with the intent of evasion, pretend to *caution* women in a certain condition against taking them. What I would suggest here is, whether it would be too much to claim that the very use of such words and pretended cautions, as I have referred to, ought not to be *prima-facie* evidence for causing such nostrums to be included within the terms of such "medicines, drugs, substances," &c., as are forbidden to be taken or sold by some of the sections of the statutes of 1845 and 1846, as follows:

GENERAL STATUTES OF NEW YORK.

Part 4, Chapter 1.

CHAP. 260.

An act to punish the procurement of abortion, and for other purposes. Passed May 13, 1845.

* * * * *

SECTION 3. Every woman who shall solicit of any person any medicine, drug, or substance, or thing whatever, and shall take the same, or shall submit to any operation or other means whatever, with intent thereby to procure a miscarriage, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment in the county jail not less than three months, nor more than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

CHAP. 22.

An act to amend the act to punish the procurement of abortion, and for other purposes, passed May 13, 1845. Passed March 4, 1846.

SECTION 1. Every person who shall administer to any woman pregnant with a quick child, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug or substance whatever, or shall use or employ any instrument or other means, with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, shall, in case the death of such child, or of such mother be thereby produced, be deemed guilty of manslaughter in the second degree.

The literal words of one of these statutes, in the use of the expression "a quick child," leave some room for quibbling and evasion upon the subject. If these words, "with a quick child," could be omitted, and the statute otherwise remain as it is, the prohibitions would be made to cover the whole period after conception. These suggestions, it appears to me, are but a carrying out of the whole spirit and tenor of the preamble and resolutions offered by Dr. Anderson last year, and adopted by the Society—resolutions which have already been regarded by all the friends of humanity and religion in this State as reflecting the highest credit upon this Society for its earnest devotion to truth and the public welfare. Especially does this recommendation seem to be required by the language of the last resolution, which declares

that "the publication, in newspapers and by secret circulars, of ostensible remedies for female disorders that suggest abortion, is highly detrimental to the public health and morals, and that the Legislature ought, by the enactment of a suitable law, to forbid such publication."

The subject of medical education has been a theme of considerable discussion, in this country and in Europe, for several years past. It has been generally admitted that reform was necessary; that a higher standard of preliminary education should be required, that a tendency to relaxation in this respect was increasing, and ought to be checked, either by the voluntary action of the schools of medicine or by legislation. The question of a higher standard of medical qualifications before the granting of a diploma as a doctor of medicine, has also been agitated. Medical science is steadily and rapidly widening the field of research and accumulating knowledge in every department of study and practice, and it is most reasonable that the period of study as well as the general education of students should correspond with the advance of science and the increased responsibility demanded. The report of Dr. Davis, from the committee on medical education, made to the American Medical Association, and the action of the committee of medical teachers, in which seventeen schools were represented, are indications of the increasing interest now felt and manifested on the subject, and at least foreshadow the determination to reach some practical result. That the science is too vast and the requirements and responsibilities too great to be met properly by a brief and hurried course of training, all admit. That even the rudimentary principles of the profession can be mastered, under the present short period of required study, is reasonably doubted. How far it may be wise, in order to attain the desired end, to invoke legislative enactment, and how far the result should depend on the voluntary action of the various medical colleges, can be determined only by the most careful canvass of the whole matter. Uniformity of standard is certainly desirable. Whether a standard shall be created by a required length of study or by examination by a medical board, is a preliminary and a vital question. Whichever way it is settled, it should be speedily done, and proper legislation sought to make it effective.

If in any mind a question should arise as to the expediency in general of thus invoking the aid of legislative enactments, we can

only appeal to the obvious and notorious fact that the public health and the physical welfare of the community are as proper objects of the care of legislatures as their mere pecuniary interests can ever be; that a government would but imperfectly discharge its duty that took no notice of causes that operate to spread diseases and increase mortality. Besides, we may revert to experience and find out the beneficial results of such legislative aid as we have already had in connection with the work of the medical profession; and I need but refer to the metropolitan health bill, which, though earnestly pressed, was only passed after nine years, yet it was worth the labor. Medical men, in the eloquent and forcible language of my predecessor, "defeated, again and again, but not discouraged, ever conscious of the benefits it would confer upon the public, pursued the subject with an enthusiasm seldom equaled," and succeeded.

A bill is now before the Legislature involving the subject of professional status, and the question of establishing a State Board of Medical Examiners, and the following questions will now admit of discussion:

1. Whether an absolute and uniform standard could be enforced, and whether it is wise to aim at this?

2. Whether absolute requirements of the schools would work better or worse for the profession and the public, than to leave each school to announce its own standard, and students of medicine to attend one or other under inducements of greater or lesser opportunities?

The lengthening of the sessions in several of the colleges is a step in advance; but if it be left optional with the student to matriculate at once, or two months after the commencement of lectures, will not the benefit be only partial? Those sincerely seeking a thorough education will attend from the beginning, while those who aim at a diploma in the shortest possible period, will not be present, although they may in fact most require the advantage.

The first step in reform must begin with the profession at large. In granting certificates to medical students, entire fidelity to the letter and spirit of the law should be maintained. These should be granted only after faithful study the full length of time required by law, and young men of deficient preliminary education should be discouraged from entering the profession, just as persons of manifest incapacity would be. It is no favor to an ambi-

tious young man to place him where he will almost certainly fail, or at least, to use the words of another, "join the ranks of mediocrity."

If we look back, we must admit that the law of 1813 has not been improved upon by subsequent legislation. Step by step necessary restrictions have been removed, and the general standard lowered, and no one can read the history of the subject, without feeling that in some respects there has been retrograde action, which might have been averted by the vigorous and calm remonstrances of the profession.

In all enactments up to 1827, there were the following safeguards:

1. Four years study was required before a diploma could be granted.
2. No person could practice without a license, and no licenses could be granted except to doctors having diplomas.
3. Persons were forbidden to practice under twenty-one years of age.
4. Persons not authorized to practice, were not capable of recovering for services, and were subject to punishment by fine or imprisonment, or both, for misdemeanor in attempting to practice.

In 1828, the provision forbidding any one to practice under twenty-one years of age, was repealed.

In 1830, penalty for practising without authority of law, modified to fine of twenty-five dollars—to go to the poor, and protection against this given to those who used only "roots, barks or herbs, the growth or produce of the United States." An extraordinary application of the principle of protection to domestic productions.

In 1835, time of study reduced to three years.

In 1844, all laws restricting the practice of medicine were repealed, and all penalties except for "mal-practice or gross ignorance or immoral conduct in such practice." The educated practitioner and the non-medical were alike subject to suits under the above infractions, or incapacity, but the latter were protected by limiting the fine to \$1,000, and the imprisonment to twelve months. Since that period, the doors of practice have been thrown wide open to admit all without let or hindrance.

While it is true that the medical profession must always rest upon its merits, and can only advance through the cultivation of

its members, it is equally true that wise and judicious legislation will support the hands of those who are earnestly laboring for the elevation of the science and the general good. And at this time, may it not be advisable to confer with the Legislature, through a committee, on the propriety of re-enacting some restrictive measures; of requiring a longer period of study, and such other modifications of existing laws or additional provisions as would effectively guard the public and advance medical learning. Probably few of us can look back to our course of study and lectures, through after experience, and assert that we were, or that we felt we were, as well prepared to enter on practice as we ought to have been, however faithfully our instructors labored or we studied. The range of medical investigation is so wide and comprehensive, that the life of the physician is one of constant study. He who conscientiously devotes himself to duty, has but little time to cultivate even those social and literary tastes and pursuits which may increase his usefulness in widening his field of practical observation and general culture. He has always before him the noble motto of the State, but the ascent to the higher places is steep and toilsome, and the allurements and side issues are numerous, and he who fails in assiduous attention in medicine, or who divides his time and labor with politics or other absorbing interests or occupations, important though they may be, always retards his progress, and sacrifices the powerful influences of example. The profession should be free from all trammels. Medical science affords scope, in its faithful study and practice, for all the learning and graces of character the best of men can embody in life. It is indeed the expression of all that is good, noble, gentle and self-sacrificing. Its exercise requires the most patient and vigorous study, and the highest and most persevering courage. Its work is unceasing, knowing no night. It shuns no danger, but stands always calm and firm, the trusted friend of man; and in war, or plague, or pestilence, as unmoved as at the quiet fireside. Its history is intimately interwoven with the world's truest progress, and its literature outrivals, in study and volume, that of any other profession or art. It should not be lightly entered upon, and its doors should not be too easily opened, and always only by the key of knowledge.

I was recently asked by a man of culture and wealth, how it was that so large a number of educated and intelligent men, who were competent to the higher walks of business, in which they

might amass money and enjoy life, were willing to bear such exposure, fatigue and privations for such limited pecuniary reward, in an art which was so barren in tangible results. I could only reply, as I feel you will all respond, that to the laborious and thoroughly instructed worker, it was no barren field, but one rich in revealed and hidden treasures; that its triumphs were constant and positive; that it was no longer an art, but a glorious science.

Dr. Brinsmade, as chairman of the committee on the president's inaugural, offered the following, which were unanimously adopted:

The committee to whom so much of the president's address was referred as pertains to legislative action, respectfully report:

First. That in their judgment, laws should be enacted, if possible, to secure proper qualifications and restrictions, on the part of those to whom the preparation, compounding and sale of drugs and medicines is entrusted.

Second. That criminal abortion is of such frequent occurrence, and is so lightly regarded by the community in general, that its wickedness and enormity, and destructiveness to health, can only be made apparent by the united expression of the medical profession; and that it is the sense of the Medical Society of the State of New York, that the words "with a quick child," in chapter twenty-two, section one, quoted in the address, should be stricken out, and the statute thus amended made to cover the whole period of gestation.

Third. That the remarks on the preliminary education of students, and on their proper medico-collegiate course, are most fully and thoroughly indorsed, and that all legitimate action to secure the same is most earnestly commended.

Fourth. Without further specification, the committee advise the publication and wide dissemination of the address, as presenting the sentiments of the Society and of the profession at large; and lastly, they recommend the appointment of a local committee to present, if practicable, the necessary documents to the present Legislature of the State of New York, to procure such legal

enactments as shall accomplish the end desired; and if that cannot be done, to present the same to the next Legislature, at the commencement of its session.

THO. C. BRINSMADE.

JAMES L. BANKS.

THOS. F. ROCHESTER.

The following committee on the above resolutions of Dr. Brinsmade, as chairman of the committee on the president's inaugural, was announced: Drs. Brinsmade, Banks, Rochester and J. V. Lansing.

